

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:95-CR-312 CAS
)
JOHN McFARLAND,)
)
Defendant.)

MEMORANDUM AND ORDER

This closed criminal matter is before the Court on defendant John McFarland's motion for a judicial recommendation that he be placed in a residential re-entry community confinement center for twelve (12) months pursuant to 18 U.S.C. § 3621(b). The Probation Office for the Eastern District of Missouri has filed a letter responding to defendant's request, in which it noted that neither the Court nor the Probation Office has authority over defendant's assignment to a re-entry center.

The decision to place defendant in a re-entry center rests entirely with the Bureau of Prisons (BOP). Pursuant to 18 U.S.C. § 3624(c)(1) and (2), the "Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not more than 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility," and in addition, "the authority may be used to place a prisoner in home confinement for the shorter of 10 percent or the term of imprisonment of that prisoner or 6 months." According to defendant, the BOP has designated that he be transferred to a re-entry center six (6) months before he completes his sentence. Under U.S.C.

§ 3624(c)(1) and (2), the authority to make such a designation rests solely with the BOP. The Court does not have the authority to intervene on defendant's behalf.

Accordingly,

IT IS HEREBY ORDERED that defendant John McFarland's motion for a judicial recommendation that he be placed in residential re-entry community confinement center for twelve (12) months pursuant to 18 U.S.C. § 3621(b) is **DENIED**. [Doc. 231]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 18th day of April, 2018.